

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically sent February 12, 2007. Claims 1-42 were pending in this application and were rejected in the Office Action. Claims 2, 17-18, 24-25, 27-28, 30, 36-37, 39 and 41-42 have been canceled without prejudice or disclaimer. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

The Examiner rejects Claims 6, 8 and 40-42 because of certain informalities. Applicants have amended Claims 6, 8 and 40 to address the Examiner's objection. Claims 41 and 42 have been canceled. Therefore, reconsideration and favorable action are requested.

Section 102 and 103 Rejections

The Examiner rejects Claims 1, 4-5, 11-12, 15-16, 23 and 41-42 under 35 U.S.C. § 102(b) as being anticipated by WO 02/103939 A1 issued to Katsuyama et al. (with references to the English version of U.S. Patent Publication No. 2004/0247318 A1 issued to Katsuyama et al.) ("*Katsuyama*"). Furthermore, the Examiner rejects Claims 2, 6-7, 13-14, 17-18, 24-25 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama*.

Applicants have canceled independent Claims 41 and 42. Furthermore, Applicants have amended independent Claims 1, 11, 15 and 23 to include limitation similar, although not identical, to the limitations found in Claims 2, 17-18, 24-25 and 28, which have also been canceled. Since independent Claims 1, 11, 15 and 23 now include limitations similar to those addressed in the Examiner's Section 103 rejection mentioned above, Applicants will address Claims 1, 11, 15 and 23 as if rejected under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama*.

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine

multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least because (even assuming for the sake of argument that the references did suggest or motivate a combination of the references to a person of ordinary skill in the art at the time of the invention) *Katsuyama*, whether considered singly or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fails to disclose all of the elements of the pending claims.

For example, Claim 1 as amended recites the following limitations:

An optical network, comprising:
an optical ring;
a plurality of local nodes coupled to the optical ring;
each local node of the plurality of local nodes configured to receive traffic at an assigned wavelength, disparate from wavelengths assigned to other local nodes; and
a data center node coupled to the optical ring and operable to provide a centralized storage of data for the local nodes, receive traffic from the plurality of local nodes including requests for data, retrieve the requested data from the centralized storage associated with the data center node, sort the requested data by destination, and transmit the requested data as traffic to a corresponding destination local node at the assigned wavelength for that local node.

Independent Claims 11, 15 and 23 recite similar, although not identical limitations.

Katsuyama does not disclose, teach or suggest each and every one of these limitations. For example, *Katsuyama* does not disclose, teach or suggest “a data center node coupled to the optical ring and operable to provide a centralized storage of data for the local nodes.” With respect to Claim 28 of the application, the Office Action asserts that memory 16 of the controller 5 of *Katsuyama* provides centralized storage. However, as is made clear in *Katsuyama*, the purpose of memory 16 is to store the addresses of the nodes and to associate these addresses with particular E/O converters of the controller (so as to enable the controller to direct received traffic addressed to a particular node to the E/O converter associated with that node). There is no disclosure or suggestion that memory 16 is used to provide centralized storage of data for the local nodes.

Furthermore, *Katsuyama* does not disclose, teach or suggest a data center node operable to “receive traffic from the plurality of local nodes including requests for data” and to “retrieve the requested data from a centralized storage associated with the data center node.” With respect to similar limitations from canceled Claim 28, the Office Action indicates that requests for data are a standard operation in networks, and it further points to components 17 and 18 of *Katsuyama*. However, *Katsuyama* does not disclose the use of data requests or the retrieval of information from a centralized storage in response to such requests. Instead, it only discloses the transfer of data from one node to another node via the controller. Therefore, there is simply no motivation provided in the reference or the art to modify *Katsuyama* in the manner suggested in the Office Action. Furthermore, the Office Action’s focus on components 17 and 18 of the controller as being a source *from which requested data is received* (for communication to a node requesting the data) actually teaches away from centralized storage *at the data center node* and the from the requested data being retrieved from such centralized storage *at the data center node*.

For at least these reasons, Applicants respectfully submit that Claim 1 is in condition for allowance. Furthermore, independent Claims 11, 15 and 23 contain limitations similar to those discussed above with reference to Claim 1. Therefore, for the reasons provided above, Applicants respectfully request reconsideration and allowance of Claims 1, 11, 15 and 23, as well as the claims that depend from these independent claims.

Furthermore, the Examiner also rejects Claims 3 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama* in view of article entitled “Multiwavelength Survivable Ring Network Architectures” written by Elrefaie (“*Elrefaie*”). Claims 3 and 19-20 depend from one of independent Claims 1 or 15 and are thus allowable at least because they include the limitations of either Claim 1 or 15, which have been shown to be in condition for allowance. For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 3 and 19-20.

In addition, the Examiner also rejects Claims 8-10, 21-22 and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama* in view of article entitled "Optical Networks: A Practical Perspective, 2nd ed." written by Ramaswami ("*Ramaswami*"). Claims 8-10, 21-22 and 26 depend from one of independent Claims 1, 15 or 23 and are thus allowable at least because they include the limitations of one of Claims 1, 15 or 23, which have been shown to be in condition for allowance. For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 8-10, 21-22 and 26.

Moreover, the Examiner also rejects Claims 29-31 and 35-39 under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama* in view of article entitled "A Networkwide Backup System with Inter-Memory Autonomic Copy Mechanism" written by Mukai ("*Mukai*").

Claim 29 as amended recites the following limitations:

- An optical network, comprising:
 - an optical ring;
 - a plurality of local nodes coupled to the optical ring;
 - each local node of the plurality of local nodes configured to receive traffic at an assigned wavelength, disparate from wavelengths assigned to other local nodes;
 - a primary data center node coupled to the optical ring and operable to provide a centralized storage of data for the local nodes, receive traffic from the plurality of local nodes including requests for data and data to be stored at the data center node, retrieve the requested data from the centralized storage associated with the primary data center node, store data from at least some of the traffic, sort the requested data by destination, transmit the requested data as traffic to a corresponding destination local node at the assigned wavelength for that node, and transmit a copy of the stored data to a back-up data center node; and
 - the back-up data center node operable to receive and store the copy of the stored data transmitted by the primary data center node in response to a back-up event, receive traffic from the plurality of local nodes including requests for the stored data, retrieve the requested data, sort the requested data by destination, and transmit the requested data as traffic to a corresponding destination node at the assigned wavelength for that node.

Independent Claim 35 recites similar, although not identical limitations.

Katsuyama does not disclose, teach or suggest each and every one of these limitations. For example, as discussed above with respect to Claim 1, *Katsuyama* does not disclose, teach or suggest a data center node (either primary and/or back-up) that is “operable to provide a centralized storage of data for the local nodes, receive traffic from the plurality of local nodes including requests for data and data to be stored at the data center node, retrieve the requested data from the centralized storage associated with the primary data center node, [and] store data from at least some of the traffic.” Therefore, for the same reasons as provided with respect to Claim 1, Applicants respectfully submit that Claim 29 is in condition for allowance. Furthermore, independent Claim 35 contains limitations similar to those discussed above with reference to Claim 29. Therefore, for the reasons provided above, Applicants respectfully request reconsideration and allowance of Claims 29 and 35, as well as the claims that depend from these independent claims.

Further, the Examiner rejects Claims 32-34 under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama* in view of *Mukai* and further in view of *Ramaswami*. In addition, the Examiner rejects Claim 40 under 35 U.S.C. § 103(a) as being unpatentable over *Katsuyama* in view of *Mukai* and further in view of *Elrefaie*. Claims 32-34 and 40 depend from one of independent Claims 29 or 35 and are thus allowable at least because they include the limitations of Claim 29 or 35, which have been shown to be in condition for allowance. For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 32-34 and 40.

CONCLUSION

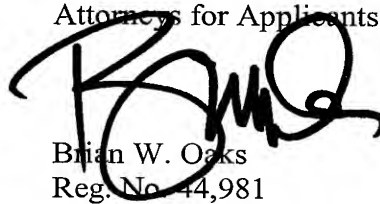
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Brian W. Oaks
Reg. No. 44,981

Date: May 11, 2007

Correspondence Address:

Customer Number: 05073